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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. 2008-294

11 **EMILITA JUNIO CUSTODIO**

12 1537 Brockton Ave., Apt. 6
Los Angeles, CA 90025

13 7607 Blossommist Ln.
14 Richmond, TX 77469-2788

STATEMENT OF ISSUES

15 Applicant/Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of
20 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 (Board), Department of Consumer Affairs.

22 2. On or about March 17, 2003, the Board received an Application for RN
23 Licensure by Endorsement from Emilita Junio Custodio (Respondent). On or about February 25,
24 2003, Emilita Junio Custodio certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. On or about March 24, 2003, the
26 Board issued Temporary License No. RTL 554106 to Respondent. The temporary license
27 expired on March 25, 2004 and has not been renewed. The Board denied the application on
28 June 1, 2005. On or about July 28, 2005, Respondent appealed the decision.

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“(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it.”

6. Section 2795 of the Code provides,

“Except as provided in this chapter, it is unlawful for any person to do any of the following:

“(a) To practice or to offer to practice nursing in this state unless the person holds a license in an active status.”

FIRST CAUSE FOR DENIAL

(Dishonest Acts)

7. Respondent's application is subject to denial under Code section 480 subdivision (a)(2), for having done acts involving dishonesty, fraud or deceit with the intent to substantially benefit herself, in that Respondent worked as a registered nurse while her temporary license expired. The circumstances are as follows:

8. From about April 14, 2003 to about May 27, 2004, Respondent was employed at the Good Samaritan Hospital, Los Angeles as a registered nurse on a temporary license, which expired on March 25, 2004.

9. From about August 27, 2004 to about April 1, 2005, Respondent was employed as a registered nurse at Country Villa Westwood, Los Angeles while her temporary license had already expired on March 25, 2004.

SECOND CAUSE FOR DENIAL

(Practice Nursing Without a License)

10. Respondent's application is subject to denial under Code sections 2761 subdivision (d) and 2795, subdivision (a), in that Respondent practiced or offered to practice nursing in this state without a valid license. The circumstances are as described in paragraphs 7-9 above, and are incorporated herein as if fully set forth.

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1 **THIRD CAUSE FOR DENIAL**

2 **(Denial of Licensure by the Arizona State Board of Nursing)**

3 11. Respondent's application is subject to denial under Code section 2761
4 subdivision (a)(4), for unprofessional conduct, in that Respondent's license was denied by the
5 Arizona State Board of Nursing. The circumstances are as follows:

6 a. On or about March 8, 2005, Respondent submitted a professional nurse
7 application by endorsement to the Arizona State Board of Nursing.

8 b. On or about September 23, 2005, Respondent's application for a license to
9 practice as a professional nurse in the State of Arizona was denied and Respondent did not
10 appeal the decision.

11 **FOURTH CAUSE FOR DENIAL**

12 **(Acts Which Would Have Warranted Discipline)**

13 12. Respondent's application is subject to denial under Code section 480
14 subdivision (a)(3), for having done acts which if done by a licensee of the business or
15 profession in question, would be grounds for suspension or revocation of license. The
16 circumstances are as described in paragraphs 7-11 above, and are incorporated herein as if fully
17 set forth.


18 **PRAAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Denying the application of Emilita Junio Custodio for an Application for
22 RN Licensure by Endorsement;

23 2. Taking such other and further action as deemed necessary and proper.

24 DATED: 4/23/08

25 
26 RUTH ANN TERRY, M.P.H., R.N.
27 Executive Officer
28 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant